

BOARD OF PUBLIC WORKS
January 12, 2005

A regular meeting of the Board of Public Works of the Consolidated City of Indianapolis, Marion County, Indiana, was held the 12th day of January 2005, in Room 118 of the City-County Building. Chair James Garrard called the meeting to order at 1:00 p.m.

Board members in attendance were: James Garrard Alfred Finnell Kip Tew
Roger Brown Sue Schalk Tony Buford

Staff in attendance were: Michael Rogers Matt Senseny Jean Plunkett
George Krack Jim Crute Pegg Warnick
Carlton Ray Denny Lenahan Mike Smith
Gary Taylor Steven O'Hare Larry Jones
Susan Preble LaDonna White Jim Crute
Sherry Davis Rick Brost Tricia Banta
Amy McFadden-Marack Anna Marie Smrchek

ITEM # 1 – APPROVAL OF MINUTES

- a. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 5-0 to approve and accept the Board Minutes from December 1, 2004.
- b. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 5-0 to approve and accept the Board Minutes from December 15, 2004.

ITEM # 2 – RESOLUTIONS

- a. Resolution No. 1, 2005; Parking Meter Waiver for Ball State University

Staff recommended that the Board of Public Works approve and adopt Resolution No. 1, 2005, for Ball State University, a not-for-profit entity, to waive the parking meter fees. Upon a motion by Ms. Schalk, seconded by Mr. Finnell, the Board voted 5-0 to approve and adopt Board Resolution No. 1, 2005.

- b. Resolution No. 2, 2005; Blood Drives for 2004 for the Indiana Blood Center

Staff recommended that the Board of Public Works approve and adopt Resolution No. 2, 2005, for the Indiana Blood Center's Blood Drives for 2004, a not-for-profit entity, to waive the parking meter fees. Upon a motion by Mr. Finnell, seconded by Mr. Tew, the Board voted 5-0 to approve and adopt Board Resolution No. 2, 2005.

- c. Resolution No. 3, 2005; Parking Meter Waiver Fee for the City of Indianapolis Benefits Section Wellness Screening

Staff recommended that the Board of Public Works approve and adopt Resolution No. 3, 2005, for the City of Indianapolis Benefits Section Wellness Screening, a not-for-profit entity, to waive the parking meter fees. Upon a motion Mr. Finnell, seconded by Mr. Tew, the Board voted 5-0 to approve and adopt Board Resolution No. 3, 2004.

- d. Resolution No. 4, 2005, Barrett Law Title Lien Process

Staff recommended that the Board of Public Works approve the Barrett Law Title Lien Process, which was established as a method for municipalities to fund a variety of public improvement projects including sanitary sewers. This change allows property owners to elect to pay their Barrett Law assessments by making either a lump sum payment or installment payments over 10,20, or 30-year periods, (annual or monthly). Upon a motion by Mr. Brown, seconded by Mr. Tew, the Board voted 5-0 to approve and adopt Board Resolution No. 4, 2005.

ITEM # 3 – COMPLETION AND COMPLIANCE AFFIDAVITS FOR RESIDENTIAL DEVELOPMENT

- a. Completion and Compliance Affidavit for the Residential Development Wildcat Run Section 4-6, 8-10, and 12 Sub-Division

Staff recommended that the Board of Public Works accept the reports and documents for street construction, Wildcat Run Section 4-6, 8-10 and 12 Sub-Division, into the City of Indianapolis' inventory of maintenance responsibility. The contractor or developers' three-year maintenance bond (s) covering the phases of street construction has been with the Department of Metropolitan Development. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 5-0 to accept the Completion and Compliance Affidavit for the Residential Development/Wildcat Run Section 4-6, 8-10, and 12 Sub-Division.

- b. Completion and Compliance Affidavit for the Residential Development Willow Lakes Section 3 Sub-Division

Staff recommended that the Board of Public Works accept the reports and documents for street construction, Willow Lakes Section 3 Sub-Division, into the City of Indianapolis' inventory of maintenance responsibility. The contractor or developers' three-year maintenance bond (s) covering the phases of street construction has been with the Department of Metropolitan Development. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 5-0 to accept the Completion and Compliance Affidavit for the Residential Development for the Willow Lakes Section 3 Sub-Division.

**Mr. Buford arrived at 1:11.*

ITEM # 4 – FINAL CHANGE ORDERS AND ACCEPTANCES

- a. RS-04-040, # 2/FINAL; Resurfacing with Related Items in Decatur and Perry Townships
\$(14,273.41) – Milestone Contractors, L.P.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2/FINAL for Milestone Contractors, L.P. in the decreased amount of \$(14,273.41) for a new contract total of \$391,850.83 and an increase of 60 calendar days for Project No. RS-04-040, Resurfacing with Related Items in Decatur and Perry Township, and furthermore to accept this project as final. Upon a motion by Ms. Schalk, seconded by Mr. Finnell, the Board voted 6-0 to approve the Resurfacing with Related Items in Decatur and Perry Townships.

- b. TS-04-006; #4/FINAL; Hague Road Corridor Improvements
\$(5,149.30) – Rieth-Riley Construction Co

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Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 4/FINAL for Rieth-Riley Construction Co, Inc., in the decreased amount of \$(5,149.30) for a new contract total of \$255,816.35 and no increase of calendar days for Project No. TS-04-006, Hague Road Corridor Improvements, and furthermore to accept this project as final. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 6-0 to approve the Hague Road Corridor Improvements.

ITEM # 5 – PROFESSIONAL SERVICE AMENDMENT

ENG-03-011; Construction Inspection Services, Amendment No. 2
\$0.00 – URS Corporation

Staff recommended that the Board of Public Works approve Amendment No. 2 to the Professional Service Agreement dated February 26, 2003 with URS Corporation for ENG-03-011, This amendment would provide for additional time to complete new assignments to ENG-03-011 with an expiration date of December 31, 2005. Upon a motion by Ms. Schalk, seconded by Mr. Brown, the Board voted 6-0 to approve the Construction Inspection Services.

**The Chair diverted to Item 8, Other Business, due to a scheduled Barrett Law Hearing.*

ITEM # 8– OTHER BUSINESS

Departmental Update – Margie Smith-Simmons, Public Information Officer, stated that over the last couple of weeks, many Central Indiana residents were affected by record rainfalls and flooding. She stated that the Department of Public Works issued dozens of sandbags to homeowners with potential flooding, of which flood warnings remained along White River, Marion and Hamilton Counties. She further stated that staff had received many pothole complaints, and urged citizens to place their complaints with the Mayor's Action Center.

**Recessed*

**The Chair diverted from Item 8 to Item 6 Barrett Law, due to the scheduled Barrett Law Hearings.*

ITEM # 6– BARRETT LAW – PUBLIC HEARINGS

a. BL-22-034; Woodburn/Country Club Barrett Law Sanitary Sewer

Mr. Garrard, Director of the Department of Public Works stated that this was the First Public Hearing held by the Board of Public Works, a Public Improvement Resolution No. BL-22-034 for the Woodburn/Country Club area, which was proposed Sanitary Sewer Barrett Law Project. He stated that Mr. Matt Senseny, Attorney for the Department of Public Works would make brief comments later, and that representatives were present from the City's Barrett Law staff and Marion County Health & Hospital. He stated that most of the information discussed was in the handouts available in the back of the meeting room, and that after legal and staff comments, the floor would be opened for comments from the public. He stated that if anyone wished to speak, and had not signed up, he or she would be given the opportunity. Mr. Garrard stated that at the conclusion of the hearing, the Board would vote on whether or not the project shall go forward.

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Mr. Matt Senseny, Assistant Corporation Counsel, stated that this was the First Statutory Public Hearing on proposed Public Improvement Resolution No. BL-22-034, for the construction of sanitary sewers in the Woodburn/County Club Road area. He stated that this hearing was held in accordance with the State Barrett Law statute, which is Indiana Code Title 36, Article 9, Chapter 39, after notice to all affected property owners. The record for this hearing reflected publication of notice in the *Indianapolis Star* and the *Court and Commercial Record* on October 15, 2004. The Board of Public Works is responsible for the construction of sanitary sewers in the City of Indianapolis. This proposed project and public meeting concerns sanitary sewage only. The proposed project would handle only the domestic sewage coming from the homes in the Woodburn/County Club Road area, and it will not affect any rain runoff or storm sewers. Property owners in the area may not connect downspouts or footing drains to the sanitary sewer, pursuant to the Revised Code of the Consolidated City of Indianapolis Marion County, Chapter 671-23. The legal purpose of this first public hearing is to determine whether the special benefits accruing to the project area are equal to or greater than the estimated total cost of the project. If the Board finds that the special benefits are equal to or greater than the estimated cost, the project would go forward and will be let out for bid. If, however, the Board finds that the special benefits are less than the estimated cost, construction of the project may not proceed for at least one (1) year, unless the Board finds that the City is benefited in an amount to cover the deficiency.

Mr. Senseny stated that the Board would not address the question of adjustments to any individual assessment to a particular piece of property at this hearing. If this project proceeds, there would be opportunities to discuss any such adjustments during the construction phase of the project and at a final public hearing. He stated that the Barrett Law procedure for sanitary sewers is unique. There are Barrett Law procedures under a different statute for such things as curbs, sidewalks and streetlights. Under that statute, if 51 percent of the affected homeowners in the proposed project area remonstrate against, or object to the project, then the project must stop unless the City-County Council adopts an ordinance within 60 days ordering the project to go forward. That is not the case in the Barrett Law Statute for sanitary sewers. If 51 percent of homeowners remonstrate, that would not automatically stop the project. The Board may elect to go forward for public health reasons after assessing all the available information about the project. The estimated assessment per buildable lot for this proposed project is \$11,500.00. To achieve this target assessment, the Barrett Law staff is recommending that the Board commit public tax money from cumulative building funds to assist in this project in an amount of \$94,224.00. If approved by the Board, the contribution of these funds should keep the estimated assessed rate for each buildable lot for this project in the \$11,000 - 12,000 range. The Department of Public Works Law Staff and the design engineers propose the best option available considering a number of factors; most notably engineering viability, economic feasibility, which includes long term operation and maintenance costs, environmental factors, and disruption to the project area, of which is described within the board materials. These assessment figures are estimates. It is not uncommon for the final assessment amount to be slightly more or slightly less than the estimated assessment amount. The Barrett Law statute provides that assessments are made on the basis of one assessment per platted lot, so regardless of the size of the lot, there will be at least one assessment per platted lot. If the project is in an unplatted area, the Barrett Law statute provides that the assessments are based on the front footage of the property adjacent to the sewer line, with one assessment for every 125 feet of frontage. That frontage figure will be rounded off to the nearest whole foot. He stated if this proposed project is approved, it would then be let out for bid, then the Board would consider the bids received and would award the construction contract to the lowest responsible and responsive bidder. After acceptance of a bid, construction will begin. The time period required for construction varies depending on the specifics of the project and the time of year during which construction takes place. All of the properties in the project area will be provided with one stub-out per

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assessment. A stub-out is a structure to which building sewers are connected to the sewer line. The stub-out will be constructed to the property line, or the right of way line if the property line goes to the center of the street. Each individual assessment would cover the construction of the sewer line and the stub-out to the property, also property owner are responsible for the cost of connecting facilities and stub-out at the property line and abandoning your septic system in a safe and sanitary manner. The cost of hooking onto the sewers and abandoning septic system's is independent of, and would not be included in, the Barrett Law assessment.

During the construction process, it is possible that the Board may delete some assessments because, for a variety of reasons, some properties cannot be served by the sewer. For instance, an owner may have a double lot and the owner's home may overlap on both lots so that no further building can take place on either lot due to zoning setback restrictions. Rather than having two assessments in such a case, the Board may make a determination that the property is only benefited by one assessment and will delete the second assessment. If such situations exist in this project area, and if the Board deletes an assessment on a lot, then the total number of assessments in the project area will be reduced and the costs that would have been covered by the deleted assessment would be spread out among the remaining lots, or picked up by the City, depending on the circumstances of the project. He stated that after the project is satisfactorily completed the Board would hold a final public hearing. At that time, a primary assessment roll is prepared, and proposed final assessments are made to each of the affected properties. Each property owner will receive a notice of final hearing by mail. A notice will also be published in the newspaper. The purpose of the final hearing is to determine the amount of the assessments to be made on each individual property. He further stated that after the final public hearing, and after making any necessary adjustments to the assessment amounts, the Board would confirm the assessment roll and it would be sent to the Barrett Law Assessment Bureau, which is the office that receives and processes the payments. Residents will receive a notice from the Barrett Law Assessment Bureau confirming your final assessment amount, and given seven options for payment of your assessment, payments may either be paid within 30 days, or you may elect to pay your assessment in one of six other options.

These options include annual installments over a 10-year period; annual installments over a 20-year period; annual installments over a 30-year period; or monthly installments over a 10, 20, or 30 year period. The Bureau can answer your questions about the payment of assessments. The telephone number for the Barrett Law Assessment Bureau is 327-4872. Mr. Senseny stated that representatives were present from the City's Barrett Law staff, Marion County Health & Hospital, and Quandt Architects & Engineers, the firm that prepared the engineering studies and cost estimates for this proposed project, and that they would make every effort to answer any questions.

Ms. P. Warnick, Barrett Law Senior Project Manager stated that this project area included 41 lots on streets that had not yet been serviced by sanitary sewers. She stated the property owners in the project area and Marion County Health & Hospital were adopted by the Board at the April 13, 1999, meeting. She stated that property owners in this project had submitted two petitions in October 1992, which contained signatures of 51 persons, and May 1996, containing 30. She stated that the area were surveyed by Marion County Health & Hospital representatives in February 1997, and that a total of 34 properties were surveyed. She stated that 52% of those contacted were in favor of extending sanitary sewers in their neighborhood and 36 percent were opposed to the proposal.

Mr. Mike Goodin, Marion County Health & Hospital stated that a second door to door survey was completed in 2001 – 2002. He stated that the total of homes surveyed was 43 with a total of 31(72%) contacts being

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made. He stated that 13 (42%) of the contacts made, indicated that they were in favor of a sanitary sewer extension, and that 16 (52%) indicated that they were not in favor, and 2(6%) were uncertain or expressed no opinion. He stated that records indicated 1 violation during the survey and was identified as bleedout over some portion of the septic system. He stated that records show 2 septic repairs had been completed since 1987, and that 6 homes had experienced or were experiencing problems with slow drains after heavy rains, poor storm water drainage and lack of room for a septic system repair. These 8 problems/violations result in a 26% problem/failure rate. He stated that the soils have been identified as Brookston, Crosby, and Miami soils, both Brookston and Crosby soils are rated as severe for septic system use. He stated that the homes are 30-40 years old and have already far exceeded the normal life expectancy of 20-25 years for a properly maintained septic system. These lots are also generally fairly small and a very serious concern is the lack of space to install a replacement septic system. He stated because of the health hazards associated with open sewage in densely populated areas and the fact that septic systems are only a temporary means of sewage disposal, the Health & Hospital Corporation of Marion County supports the extension of sanitary sewers to this area. Mr. Buford asked about the low percentage rate in the area. Mr. Goodin replied that normally when surveys are completed, homeowner's are away at work, making accurate study's impossible. Mr. Buford asked had there been any complaints from homeowner's due to the rainy season. Ms. Banta replied that staff had not received any complaints thus far.

The following homeowners expressed comments or an opinion:

Mr. M. Hasmer, 8431 Westridge Drive, wrote, " We have no troubles with our system the way it is now. The cost to add the sewers in our area would not be worth it to us because there is no need to do so. We could never get the cost back if we were ever to sell and the payments we would need to pay would be a strain on our family's lifestyle. With three kids and myself, my wife we do not need the extra payment on something we don't want or need"!

Mr. S. McBride, 8444 Maurice Drive, wrote, " As I said in other comment we sent in, most of us are retired and on fixed income. The sewers on Country Club Road south of Maurice Drive over flow into the street now, how will they handle more"?

Ms. S. Broadstreet, 8530 Maurice Drive, wrote " I am a widow, I am on unemployment now and awaiting my social security going through. I do not have 10,000, for the sewer. I cannot afford it, I will lose my home".

Ms. R. Lane, 8548 Maurice Drive, wrote "I do not support the construction of sanitary sewers in our area, at this time until guarantees can be made that no ill effects will come as a result of overcrowding an already overutilized system- ".

Ms. M. Murray, 2411 Country Lane, wrote "I am an 82 years old widow on a limited income and would love to have City sewers. If we could get it, what would the water cost us, I would support the construction to start. We got water 3-27-01, for around \$3,000.000".

Ms. P. Wilson, 2412 Graysford Drive, wrote "It is a Health Safety Issue! Please consider- we have clay soil in this area drainage leaves a lot to be considered- some property owners have 2 active septic systems – City water is great but I want to have the option of using my well. Younger families with large number (Spanish) moving in the area – greater numbers equal more sewage".

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Mr. C. Ray, 2437 Graysford Drive, wrote "We definitely want/need the sewers. Since we purchased our home, we have had many, many sewer water problems. We have a brand new washing machine that we cannot use because it causes the septic system to overflow when we run it. When it rains our sinks and toilets make a gurgling sound. We totally support the construction of sanitary sewers and believe it will be a great benefit to our neighborhood".

Mr. Buford asked about the request to install sanitary sewers. Ms. Warnick replied that the original request came from the homeowners. Mr. Buford asked about the odor from the liftstation. Ms. Banta replied that staff checked the liftstation in the area where the homeowner had mentioned, and found no evidence of odor, and that it may have been a homeowner's septic tank. Mr. Garrard asked about the capacity of the liftstation. Ms. Banta replied that currently the liftstation was operating at the design capacity of 11,000 gallons per minute. Mr. Buford asked about the homeowners yards being flooded with water due to the rainy season. Ms. Banta replied that staff had not received any complaints, due to the rainy season.

Mr. Michael Hopkins, 8540 Maurice Drive, stated that he was not in favor of the sanitary sewers in this area. He stated that in listening to other homeowners, it sound like a drainage problem.

Mr. J. Realey, 8518 Maurice Drive, stated that he don't support the sanitary sewer because a very large area near his subdivision was serviced by an inadequate sized 15 inch interceptor sewer line that runs for a 10th of a mile above and along side of country club road by our neighborhood, then goes over a creek under the road, and over the years attempts had been made to correct the leaking of this system, especially during heavy rains raw sewage mixed with surface water purges out of the manholes creating foot high fountains in the middle of the road. He stated that thousands of gallons of tainted water etc. pours out on to the residential yards into the creek, a mechanical liftstation along with a smaller intermediate forced main type sewer installed about 10 years. The Woodburn Drive housing division to the west has problems. He stated that when the system is purged a red warning light flashes indicating that either the pump is not working or the connection interceptor sewer is full. County workmen with specialized equipment had worked several times on this system, and that a 15" interceptor sewer was designed to take care of the small town of Clermont, of which, during that time most of the surrounding area was undeveloped and the sewer system was determined to be adequate. Since then several new housing developments, namely Sunningdale, Commons Countryclub Estates and Drakes Landing have connected to this inadequate system.

Mr. C. Ray, Administrator of Environmental Engineers, stated that staff is working on sanitary and clear water improvements, and that the issues were being addressed for this area.

Ms. Sandy Broadstreet, 8530 Maurice Drive, stated that she did not understand how this department could install a sanitary system when there were other things that needed to be done first. She stated that she did not support the construction of the sanitary sewers in this area, because she could not afford it.

Mr. Ray stated that the goals of this department was to improvement liftstations, and that homeowners issues would be addressed before sanitary sewers were accepted. Mr. Tew asked about sanitary sewers increasing property value. Ms. Warnick replied that she has heard from homeowners that their home were easier to sell now that its on City sewer verse septic. She stated that the increase of property value is Lappacent, however staff have not been able to put a number to it yet. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the

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Board voted 6-0 to approve the Woodburn/Country Club Barrett Law Sanitary Sewer Project BL-22-034, for Public Improvement.

b. BL-30-056; Supplemental First Public Hearing for Kelly/Lynhurst Barrett Law Sanitary Sewer Project

Ms. Warnick, Barrett Law Senior Project Manager, stated that during a pre-board hearing, the representatives of local construction companies raised concerns about the amount of asphalt replacement and or repair. She stated that the main concern was that there was not enough quantity of asphalt allowed for areas outside the trenches, and that staff took the concern under advisement and a decision was made to increase the quantities of asphalt to the contract. She stated that recognizing the lowest bid received was greater than the revised engineer's estimate, staff realized the best option was a supplemental hearing. Upon a motion by Mr. Tew, seconded by Mr. Brown, the Board voted 6-0 to approve the Kelly/Lynhurst Barrett Law Sanitary Sewer Project.

ITEM # 7- BID AWARD

Kelly/Lynhurst Barrett Law Sewer and Neighborhood Drainage Improvements
BL-30-056 and SD-30-012

Staff recommended that the Board of Public Works award Project No. BL-30-056, Kelly/Lynhurst Barrett Law Sewer Project in an amount not to exceed \$1,317,910.00 and SD-30-012, Kelly/Lynhurst Drainage Improvement Project in an amount not to exceed \$153,335.00 to Eagle Valley, Inc., for a total project cost not to exceed \$1,471,245.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$1,492,032.50 and the percentage between the low bid and the engineer's estimate is 1%. The project has been approved for SRF Funding and is located in the vicinity of Lynhurst Drive and Raymond street and generally consists of the installation of 6,313 L.F. of 8-inch sewer, 1,800 L.F. alternate 12-inch storm sewer and 702 L.F. of 2-inch force main including all manholes and associated work. Also, 4,125 L.F. of ditch grading, 1,560 L.F. of 12-inch culvert pipe replacement, 25 L.F. of 15-inch culvert pipe replacement and other associated work. Upon a motion by Ms. Schalk, seconded by Mr. Buford, the Board voted 6-0 to approve the Kelly/Lynhurst Barrett Law Sewer and Neighborhood Drainage Improvements.

There being no further business the meeting of the Board of Public Works was adjourned at 2:52 p.m.

James A. Garrard, Chair

Kimberly A. Frye, Recording Secretary